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FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

2005 AUG -3 1 A 10: 51

July 28, 2005

Mr. Jeff S. Jordan  
Supervisory Attorney  
Complaints, Examination and Legal Administration  
**Federal Election Commission**  
999 E. Street, N.W.  
Washington, DC 20463

**RE: MUR5670**

Dear Mr. Jordan:

I received your letter dated July 12, 2005 indicating that a complaint had been filed against the Friends of Bobby Jindal, Inc. federal election campaign committee alleging a violation of the Federal Election Campaign Act of 1971. I have read the complaint and it is my position and that of the committee that we are not in violation of the Act as alleged and the complaint should be summarily dismissed.

The allegation is that Bobby Jindal as a candidate for Congress appeared at a function sponsored by the Kenner Professional Women's Association (KPWA) and that this amounted to an in-kind donation by that organization and at least one of its contributors to the campaign of Bobby Jindal. Therefore under that logic it should have been reported pursuant to the requirements of the Act.

I am attaching a copy of the agenda of the function sponsored by the KPWA. I am also attaching a copy of the flyer that was used as a reservation form for the event. As can be seen by that attachment, the event was featuring the guest speaker "Bobby Jindal". There was no reference to him being a candidate for Congress. The topic was "Healthcare in United States and State of Louisiana". This was not any effort to solicit support, contributions or any tie into his campaign. Mr. Jindal is a well know expert in the area of healthcare having served in the federal administration as well as State of Louisiana administration in the healthcare area.

In 11 CFR 100.53, a contribution can include the entire amount paid to attend a fundraiser or other political event. However, this gathering did not constitute a fundraiser or a political event. Ms. Kathleen K. Melchers, President of the KPWA, states that the organization By-Laws under Section 2, Article 1 forbids any political activity at the Association's functions. She is also prepared to state that in fact, no political activity occurred at this event. In the Explanation and Justification for 11 CFR 106.3 House Doc 95-44, 95<sup>th</sup> Cong. 1<sup>st</sup> Sess. (1977) at 50, it states that if a candidate makes a non-political speech to a civic association luncheon and on the way out chats with a few attendees about his upcoming campaign, that conversation would not convert the appearance into a campaign related event. From the registration form, from the rules of the organization and from the statement of its president, it is clear that this was not a political event.

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In FEC Advisory Opinion No. 1992-6, the commission held that a person involved in a federal campaign could make an appearance at an event to talk about subject matter of which he was very knowledgeable and it did not relate to the campaign. In that Opinion, the commission stated that it has determined that financing activities involving the participation of a Federal candidate will result in a contribution or expenditure on behalf of that candidate if the activities involved (i) the solicitation making or acceptance of contributions to the candidate's campaign, or (ii) communication expressly advocating the nomination, election or defeat of any candidate. None of that occurred in this instance.

This event was not controlled by the committee. We were asked to speak and we accepted, that is the extent of our involvement.

This is a local city counsel dispute and should be handled as such.

Bobby Jindal's appearance at the August 7, 2004, KPWA luncheon was not a political event and should not result in any in-kind reporting under the Act and Commission regulations.

The complaint should be summarily dismissed

Very truly yours,

*William C. Potter*

William C. Potter  
*Treasurer, Friends of Bobby Jindal, Inc.*

WCP/rbs



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8085-890



# Kenner Professional Women's Association

## General Membership Luncheon

Tuesday, August 17, 2004 / 11:30 am Luncheon

Chateau Golf & Country Club Grand Ballroom 3600 Chateau Blvd. Kenner, LA 70065

**Guest Speaker: Bobby Jindal**

**Topic: Health Care in the United States and the State of Louisiana**

Due to the anticipated large attendance at this event, KPWA is requesting that reservations be made and paid in advance. We are offering tables(s) of 8 for \$225.00 whereon the name of your company or organization will be proudly displayed. These reserved tables will be placed up front on a first come basis. So don't delay in reserving your table(s) as we have a limited number available. Individual seating is also available on a reserved paid in advance first come basis for \$30.00 each.

Please complete the form below and mail it with your check payable to KPWA or credit card information (Visa or MasterCard only).

Mail to: Kathy Melchers, 909 West Esplanade Ave #206, Kenner, LA 70065

Deadline for all reservations will be August 1, 2004.

Tuesday, August 17, 2004 / 11:30 am Luncheon

### General Membership Luncheon

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### KPWA Meeting Reservation Form

Bobby Jindal Luncheon August 17, 2004 11:30 A.M. Chateau Golf & Country Club

Name: Mayor Philip L. Capitanio

Company: City of Kenner

Mailing Address: 1801 Williams Blvd.

City: Kenner State: LA Zip: 70062

Phone #: 504-468-2240 Fax: \_\_\_\_\_

Please accept my reservation for: \_\_\_\_\_ # of Individual Ticket(s) or 1 # of Table(s)

If Company, What name do you want shown on table(s)?

Payment Options: All payments are due in advance. No Refunds after August 1<sup>st</sup> 2004

I am enclosing a check for \$ 225.00 made payable to KPWA or Please charge

My \_\_\_\_\_ Visa \_\_\_\_\_ MasterCard only this amount \$ \_\_\_\_\_

Card # \_\_\_\_\_ Exp. Date \_\_\_\_\_

Name as on Card: \_\_\_\_\_ Signature: \_\_\_\_\_

Mail this form to: Kathy Melchers, 909 West Esplanade Ave #206, Kenner, LA 70065

Deadline for all reservations will be August 1, 2004.

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